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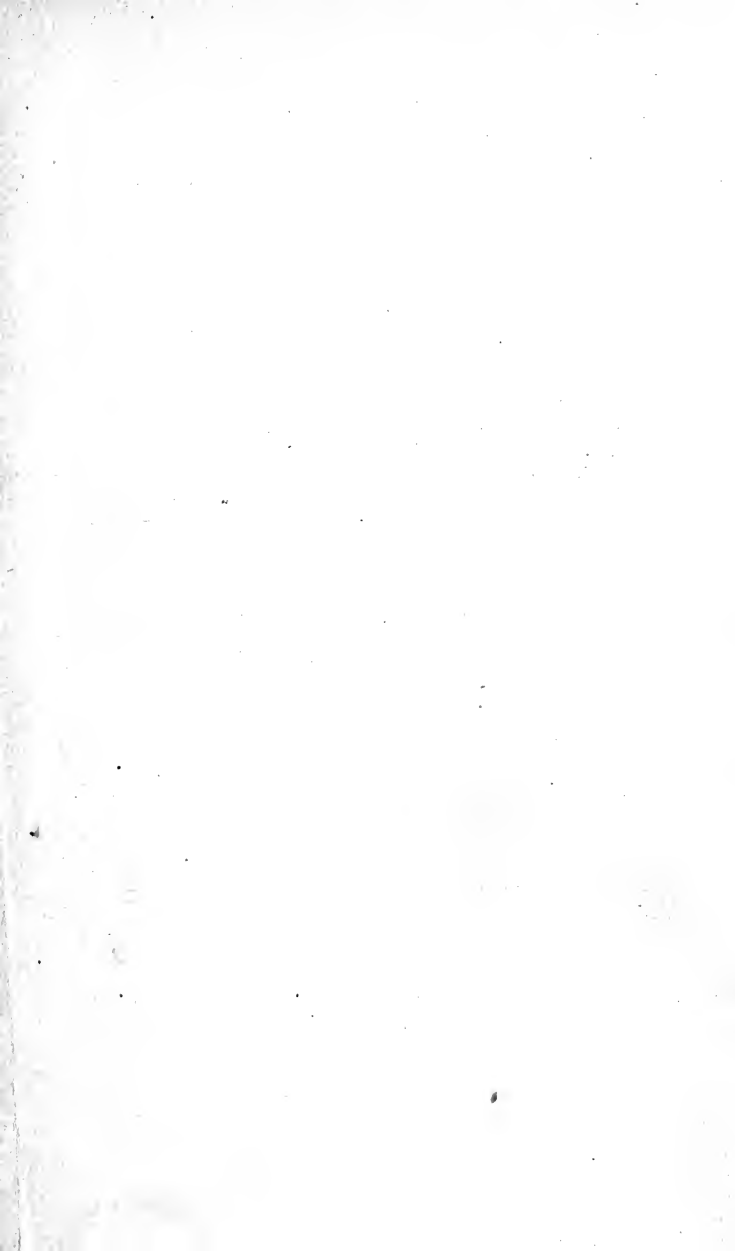


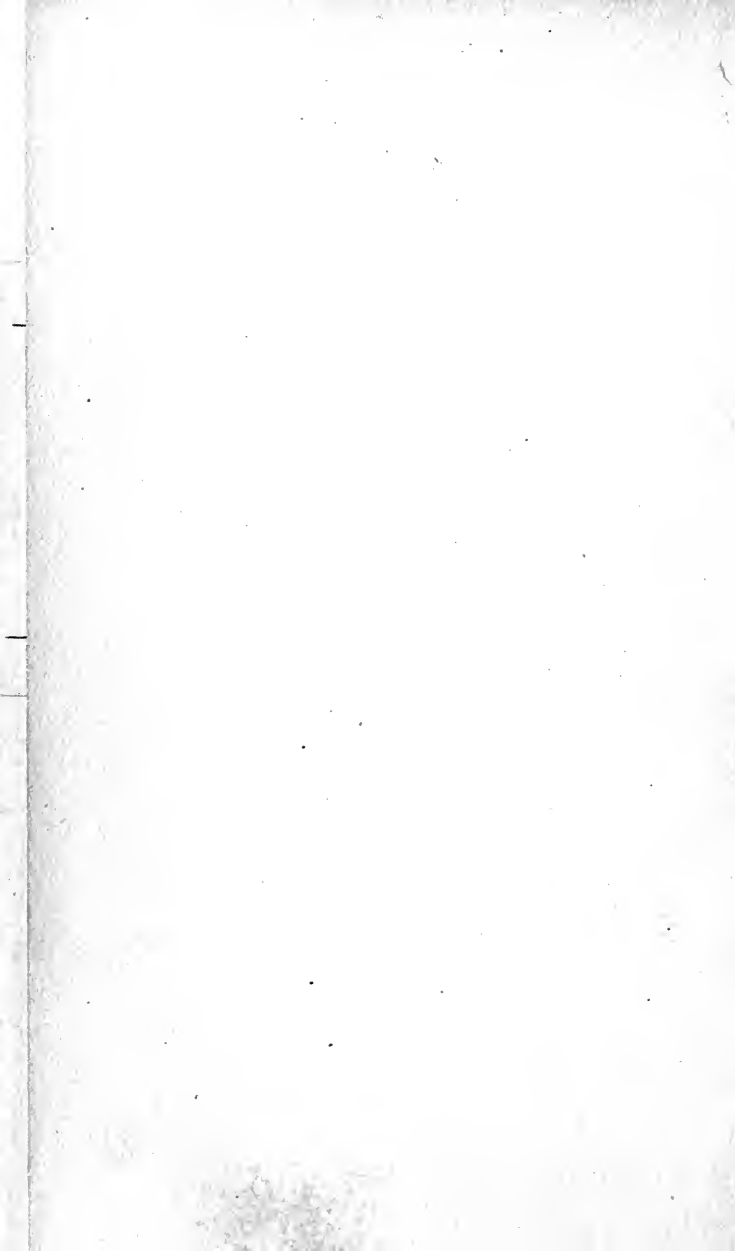
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# Riverside Educational Monographs

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PROFESSOR OF THE PHILOSOPHY OF EDUCATION  
TEACHERS COLLEGE, COLUMBIA UNIVERSITY

## THE STATUS OF THE TEACHER

BY

ARTHUR C. PERRY, JR., PH. D.

AUTHOR OF "THE MANAGEMENT OF A CITY SCHOOL,"  
"PROBLEMS OF THE ELEMENTARY SCHOOL," ETC.



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TO THE  
AUTHOR

## PREFACE

THE status of the teacher — the relation of the teacher to the community, to the school, to the pupils, to the parents of the pupils — this is the subject of frequent, and sometimes serious, misconception on the part of all concerned. This misconception is based upon a corresponding lack of understanding of the school itself. A very few instances serve to illustrate the varying phases of the misunderstanding. It is illustrated by the citizen who rebels against the payment of his school-tax. It is illustrated by the parent who says to the teacher: "I pay taxes; you are my employee; you must promote my child because I tell you to." It is illustrated by the teacher who reports to the parent with an air of personal injury: "Your boy annoys me very much in the classroom." It is illustrated by the principal who permits an unlicensed person to substitute in a class, provided he is willing to "take the chance" that he will get his pay. The following pages attempt to explain each relation of the teacher in its true light.





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## EDITOR'S INTRODUCTION

### *The need of sound theoretic comprehension*

THERE is little hope of consistent improvement in our educational practice until the profession proves itself capable of a better theoretic comprehension of its work. The largest advances in the work of the public school have always been preceded by a clarified appreciation of the factors which condition the school as an institution. The last two centuries of educational history indicate that each substantial reform has been ushered in by a movement to give the teacher a fuller consciousness of some element which before had been a mere matter of tradition, developed in a gross way by the drift of previous professional practice.

### *Practical progress through over-emphasis*

Perhaps it is inevitable that in so complex a process as education, progress must come through the exclusive study or over-emphasis, first of one factor, then of another. Such seems to have been our experience with the four major elements which directly condition classroom activity, — (1) the teacher's

personality, (2) the course of study, (3) the child, and (4) social ends; each in turn has come into focus to receive an emphasis, which, temporarily at least, has subordinated other factors, even those that had been thrust emphatically into professional consciousness during the previous decades.

First it was the teacher's personality — religious, moral, and political — which was stressed; then the prime demand was for broader and more thorough scholarship so that the course of study might be efficiently presented. Later it was an understanding of the child through scientific psychology and child study which engaged the focus of attention. At the present time it is the interpretation of the school in terms of social conditions and needs which dominates professional zeal.

No one will doubt that the total benefit of each refocusing of our professional self-consciousness has been large, in spite of the temporary distortion of our philosophy of education. It would have been better to have conserved in full setting each point of view and each mode of attack. This, in a degree, the better philosophers of education have always done, but they have seldom been directly understood by the rank and file. The group mind of professional practitioners, when it begins to be self-conscious and self-reformatory, seems to proceed from one special trouble to another, without stopping to take perspective from

the whole situation. The necessary correction of errors and of over-emphasis takes place in time, and eventually educational philosophy and practice are enriched and strengthened by this intensive study of the separate factors.

*Factors requiring further special study*

Beside the major factors which condition school life, — personality, scholarship, childhood, and the social aspects of the teaching process, — there are many other phases of the institutional life of the school that need careful study, and have hardly had due attention. These are perhaps less important than those mentioned, but they cannot be neglected. For example, few teachers have any real appreciation of the manner in which the teacher's personality and the social life of the school affect the child's education. Fewer still have any conscious knowledge of the way in which the teacher's whole social and legal status affects his power to influence children toward better social ideals and to lead the public into the appreciation and support of better educational policies. All these and other factors must be brought into professional consciousness. One by one each of them must be studied and given a place in our systematic theory of education. In this volume the single problem of the teacher's status is selected for special attention.

*The teacher's inadequate knowledge of his status*

The teacher's status is determined by a curious composite of traditional rights, privileges, duties, and aspirations, by no means consistently put together. These, the teacher knows for the most part in a fragmentary and traditional way. If he has been a student whose education has been received in the public schools, he is likely to have some notion of what the teacher ought or ought not to attempt. If his apprenticeship has been under intelligent direction he will have acquired still more knowledge of the limitations and allowances under which the teacher operates, exactly as any craftsman learns through association with his fellows the right and wrong of his craft conduct. But he will have no systematized view of his own status. Under our modern practice in the training and supervision of teachers he is likely to know the school statutes of his own state and the rules and regulations of his local board; but with that vast and subtle control of the teacher's functions, which is part of the common law and custom of the community, he is likely to have only a superficial, unanalyzed acquaintance. If the teacher is to proceed about his daily business with assurance and safety, he must know his status in more definite terms.

The first-hand contact that a teacher in a rural community has with parents and school trustees

may in time give him a fairly safe basis of conduct; but it does not always assure him as to his own rights, or as to his obligation to modify community opinion in regard to the proper function of the school. The situation is less satisfactory when the teacher begins to operate as a unit in a large city system where he is removed from any considerable daily experience with other human elements than the children. Here no ordinary personal diplomacy of the teacher can achieve results equally satisfactory with those of the one-teacher school. The city is a more diversified social body, and a much more complex one than the teacher can know personally. The school board is a power and authority which resides at a distance and to which appeal can be made only through various superior officers. He cannot enlarge his powers or amend traditional practices, in the confidence that his personal sincerity, thoughtfulness, and eagerness will be an adequate defence of his deeds. He must proceed in a more organized way, with reference to certain standards of professional conduct and administrative procedure. He becomes a specialized rather than a general officer and operates within restricted limits. Beyond these boundaries he is dependent upon others. Law and custom mark out the special manner of his coöperation under these complexities and the teacher should have some orderly acquaintance with the conventions that hem in his labors.

For the purpose of raising to full consciousness the status of the teacher, it is necessary to know upon what traditional and rational grounds the teacher enters upon the performance of his functions; to know just where his powers begin and end; to know just where are the sanctions for everything he does. If he knows these boundaries of the teacher's sphere he will be able to prevent the useless controversies and the friction that so frequently interfere with educational progress, and at the same time he will possess the power to make progress along the lines of least resistance.



# THE STATUS OF THE TEACHER

## I

### THE AUTHORITY OF THE TEACHER

IN order to get a clear view of the proper status of the school and of the teacher, we must rise to the height from which we can see society in its entirety and thus sense the relationships existing between it and its institutions and its constituent individuals. In the course of the mental growth of the individual he early reaches a consciousness of self, an appreciation of the distinction between *ego* and *alter*; similarly, in the development of a social group, there soon is born a social consciousness, a realization of a social *ego*. The group begins to segregate itself in its thought from other groups and to identify itself as an entity. The desires, the interest, the will, of the individual become subserved to the desires, the interest, and the will of the social unit.

The individual may resent this condition, but he is helpless to make positive resistance; the only successful expression which he may give to his resentment is in the negative form of self-expatriation — he may

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withdraw from his group and either join another or, a man without a country, toss about upon the high seas of independent solitude. Even this privilege of withdrawal is not always allowed him by society and even if it is, it is inexpedient to the point of being impossible. Hence, for all practical considerations, the grip of society upon the individual is unrelenting.

Not that we are necessarily to view society as menacing to the individual; to the contrary, its very ability to conserve his interests is conditioned upon its unequivocal control over him and every fellow-member of his group. That society may become a menace to the individual is not at all unthinkable; indeed, it has already happened too often in the history of the race to be disregarded. But societies are, century by century, profiting by the lessons of the past; and we like to think that, however dissatisfied we may be with our present-day conditions, those conditions are more endurable than they have ever been before.

As society, thus self-consciously, has developed into a sentient organism, it has perfected many institutions to serve its ends. The institutions of Property, of Business, of the Church, and others — the study of each of them yields the student profitable returns, but none more than organized government, that institution which we call the State. There has been of necessity an extreme interdependence among

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these various institutions, but gradually has the State assumed a supreme position, so that now much of our thought of the other institutions is in terms of this one. That is, we have learned to codify the laws of Business, to define the limits of the authority of the Church, to fix the powers and responsibilities of Property — all through the agency of the State.

Likewise, as society has become more and more conscious of its dependence upon education, and consequently has more and more assumed to itself the responsibility of providing education, it has turned to the State as the one existing institution best fitted to administer this interest. To-day, every civilized nation is committed, more or less definitely, to the proposition that the State should provide some measure of public education. It may be pertinent here to inquire into the grounds upon which public education justifies itself. There are three main lines along which the argument may be directed, the general captions of which are (1) altruism, (2) national integrity, (3) police power.

The argument in altruism is this. Without considering in this present discussion the source of this sentiment of altruism, we need only to recognize the fact that such a sentiment stirs the hearts of men, individually and collectively. As we journey along the streets, you and I, in sections of the town where material prosperity is at its ebb, our sympathies go out

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to the children, well worthy of education, whose hope of schooling at the expense of their parents is non-existent. Just as we are prompted to lend a hand to relieve physical distress, so are we desirous of doing our share in saving these children from the blight of ignorance. But, single-handed, you and I can do nothing; so we turn to our coöperative organization, the State, and demand that it, as the most effective instrument at hand, shall execute this commission for us. We pool our issues, you and I and thousands of others, and thus gain a tangible expression for our altruism which otherwise would remain forever ineffective. We must admit that this is by no means the most potent factor in the establishment of public education, yet its influence is not to be altogether disregarded.

The second argument, that as to national integrity, rests in the necessities of the State itself. Self-preservation is the first law of nature, and it is the first law of states no less than of individuals. Without the proper education of its constituent members the State must decay. Each nation has its own life and its own strength, dependent upon its traditions, its ideals, and its purposes. Education stands preëminent among the forces which may preserve these traditions, develop and enhance these ideals, and make effective these purposes.

Germany, for example, stands for imperial power.

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"The empire, it is I," says her forceful emperor. Man exists for the State, not the State for man. Hence, the German youth is prepared, in German schools, for citizenship in an imperial Germany, a citizenship which implies the skillful leadership of the few and the loyal obedience of the many.

By contrast, the United States aims at securing not alone the obedience of the many, but also the development in the many of the capacity for leadership. Democracy is the watchword. Each man must be trained to act in a sovereign capacity. Very strong indeed is our faith in this word Democracy. The campaign orator on the stump strives strenuously to prove that his party, whatever its name, has the only guaranteed-pure brand of democracy and that all others are deleterious imitations. Let him but convince his electorate of this and his calling and election are sure.

This Democracy is with us tradition, ideal, and purpose, — all three; and it is in our schools that we keep alive the tradition, purify the ideal, and fortify the purpose. The school must instruct our children in the glory of the past so that democracy becomes to them a real and living thing; it must cultivate their emotional nature and thrill them with the desire to purge democracy of its dross; it must stimulate and enstrengthen their will so that in their day they shall refine democracy according to the formula of their ideals.

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The third argument regards the instrument of education as one of the weapons of the state in the exercise of its police powers. Of all arguments, this, to the average man, is doubtless the most convincing. It is to the protesting taxpayer perhaps the only line of argument which silences him. Consider a tenant in a certain apartment. He and his neighbor across the hallway, through their equal rent, pay an equal tax into the coffers of the State. His neighbor has four children; he has none. Why must he be thus compelled to contribute toward the education of children in whom he has no interest? The answer of course is that, whether he wills it or not, he has an interest in these children. It is very much to his interest that as he meets them in his daily intercourse, they shall be orderly, agreeable, and obedient to the ordinary amenities of social life. It is of even more vital concern to him that when they are grown they shall live about him as intelligent, industrious, and law-abiding citizens, and not as vicious idlers, thieves, and cut-throats. Hence he pays to the State his share of the expense of educating the children of the State, realizing that in doing so he is economizing. For let his State default in its expenditure for education and it must increase many fold its expenses for the maintenance of poorhouses, reformatories, and jails. The school-tax, then, is the premium paid by the individual for his policy of insurance against social chaos.

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To summarize these three arguments in their inverse order, we may say that society needs its schools in order to secure to its individual members vocational efficiency, intelligent citizenship, and an introduction to culture, and this to secure to itself material prosperity, civic integrity, and the uplifting influence of idealism.

We may now see even more clearly the individual's relation to the State — his dependence upon it and his duty toward it. So complete is this dependence and so compelling this duty that if he denies the one and neglects the other, we call him an anarchist and bid him move from among us or take the consequences. Still, there are certain rights inherent in the individual which even an arrogant state must respect. Our own Declaration of Independence recited life, liberty, and the pursuit of happiness as the three fundamental rights. A man may, in self-defense, fight for his life; he may properly protest against any restraint put upon his liberty so long as he is innocent of crime; he may claim the right to go peaceably about his affairs provided he is respectful of the right of others to do the same — all these he may do and not be an anarchist, for these things are the very foundations upon which the organization of a true State rests. Where these rights have been disregarded by organized states they have in time been wrested from them by revolutions, now peaceable, now sanguinary.

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These rights are referred to in order that they may be distinguished from privileges, and that privileges may not be mistaken for rights. Society, organized, may not wantonly kill or inflict injury on its members. This is a recognized restriction placed upon the State, a *right* of the individual. Society, organized, may or may not undertake certain governmental functions on behalf either of itself as a whole or of its members individually. It may or may not organize a postal system; the individual certainly cannot claim that it is his inherent right to have his letters delivered for him by a branch of government service. It may, for the welfare of the whole, place certain duties upon some of its members and not upon others. It may, for instance, decree that upon individuals with certain attributes or qualifications, the duty of the franchise may be placed. Each individual, then, who performs this duty, exercises a privilege granted by the State; in no sense is he achieving a right which the State is bound to accord him.

Public education is not a right, but a privilege and a duty. The State decides for itself what are its own necessities and makes such provision for education as in its collective judgment will meet these necessities. This authority of the State is supreme, and it is supreme regardless of the particular governmental forms with which it clothes itself. Whether monarchy or democracy, the fact of the supremacy of state au-



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thority is the same. Here is a fruitful source of misconception. In a democracy the individual is both sovereign and subject, and he is prone to confuse the two functions. It is easy to understand that in an absolute monarchy the will of the monarch, being a personal will, is supreme. It is not so easy to understand that in a democratic government the will of the *people* is absolute, for it is the collective people that holds supreme authority and not the individual persons.

The individual as a subject is a unit, but as a sovereign he is a fraction. The confusion arises when the individual, realizing that he is a unit subject, concludes too that he is a unit sovereign. A single concrete illustration will serve. The people of New York State have enacted a law which provides that "no child or person not vaccinated shall be admitted or received into any of the public schools of the State." Now this law, promulgated by a sovereign people, has exactly the same force as if it were established by a czar in command of a loyal and powerful army. There comes forward, however, a man who says in all sincerity: "I do not believe in vaccination; I will not cause my child to be vaccinated; you must admit him, however, into the public school; I demand it as my right." Tell him that the law says the contrary, and he replies: "This is a free country; I help make the laws; I say that the law is wrong." Now his opinion

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about the law, for all we know, may be quite justifiable. It may be an ill-judged law. But, nevertheless, it is the law, the law of a sovereign people. Our friend is right when he says that he helps make the laws, but he has failed to accent the word *helps*. As a sovereign, he is but a fraction. His logical procedure is to increase the value of that fraction, if he can, by convincing his fellow sovereigns of the correctness of his own opinion. His duty as a sovereign is to influence public opinion; he may induce the sovereign State to change its mind. His duty as a subject is to obey the law of his sovereign State. When he permits his measure of sovereignty to lead him to be a disobedient subject, then has he failed both as sovereign and as subject.

That confusion in thought regarding the privilege of education is not confined to those outside the profession of education is indicated by frequent occurrences. For instance, an organization of schoolmen prominent in their respective positions and highly efficient in the discharge of their duties scheduled for the chief topic of discussion at a recent meeting the thesis: the American child has the right to learn a language other than his own.

We have talked easily of society and the State, yet, as we know, the relation of one to the other is not, in fact, all simplicity. Society may be town-size; it may be nation-size. In all civilized lands, the State has

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evolved into a complicated system of wheels within wheels — or better, circles within circles. In America, for instance, we group ourselves within a short radius, and set up a town government; we lengthen the radius and with it describe the County; we confederate the counties and construct a State; we unite the States and build a Nation. Thus each of us owes allegiance to Town, County, State, and Nation. Thus each of us possesses sovereignty expressed by a series of fractions with correspondingly decreasing values.

The question next arises: Which of these units of government shall be the unit of control in matters educational? In France and in Japan public education is a national concern. In Germany each kingdom or other corresponding political unit directs its own school system. In our own country, control is vested in each State. The Federal Government exercises no direction over the schools, but limits its relation to them chiefly to maintaining a bureau of information concerning them. In the United States, education is distinctly and consistently a State interest.

As education is not a function of the national government, neither is it a function of a municipality. For the city is the creature of the State. In the absence of constitutional provisions limiting the power of the legislature, — and these are few as respects education, — the city has no vested rights nor powers not

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granted it by the State Legislature. In most States a large measure of control of education in the cities is very wisely reserved. From time to time the States, through new legislation, — amendments to municipal charters, — change, in some degree, the balance of powers between the State and city. Sometimes the change is in the direction of vesting larger responsibility in the cities, sometimes it is in a re-transfer to the State of privileges previously extended to the cities; in either case, the ultimate and authoritative supremacy of the State is unquestioned.

It is not difficult to see the reasonableness of vesting educational control and direction in so large a governmental unit as the State. For education is an interest at least State-wide. In this it differs from many other interests. Fire protection, for instance, is a very important interest in any community, but it is a local interest. Likewise with most other departments. Whether the streets of Buffalo are kept clean is chiefly the concern of the people of Buffalo. If other folks disapprove of the condition of those streets, they have only to keep away from Buffalo. But the education of the children of Buffalo, while it is a most important interest of the people of Buffalo, is also a very vital concern of the people of Albany, and of New York City, and of every city and hamlet in the State. For there is no guaranty that the children of Buffalo will all remain there; some of them

are quite likely to move to Brooklyn; thus the people of Brooklyn must join with the people of the rest of the State in securing a certain standardization of education in Buffalo and throughout the entire State. The streets and houses of Buffalo cannot migrate; the people of Buffalo can and may; therefore, street-construction, street-cleaning, fire-protection, and other local functions, are in the hands of the citizens of Buffalo, whereas education is in the hands of the citizens of the State of New York.

This same argument, of course, may be used in behalf of the proposition to make education a national concern. The people of New York City have quite as much interest in the educational provision made by Jersey City as in those of any community in their own State. Hence we see good reason for the transfer of the control of public education from the individual states to the Federal Government, in the interest of nation-wide standardization. When we get to the point of desiring the transfer, the way will be easy enough. There are those who would construe the section of the Constitution of the United States which empowers Congress to provide for the general welfare, as all-sufficient for the creation of a national system of schools. Even if this be a false interpretation, and it be true that the control of public education is one of those powers which, not specifically delegated to the United States by the Constitution, is thus reserved

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to theseveral States, then is this transfer of authority still obtainable through constitutional amendment. Whether we shall ever come to this point in educational administration, regarding the United States simply as a larger State, and if so, when, are both queries in the realm of speculation; and we will not don the robes of the prophet.

The State engages in the work of public education, and the next question is: How far shall the State go in this work? How liberal shall be the measure of education offered to the children of the commonwealth? That it shall extend entirely over that grade which we call elementary education, typically the first eight years of schooling, is now acknowledged by every State in the Union. No longer is there any argument on this point; the discussion has extended now into the range of secondary education and the high-school is fast becoming accepted as a necessary element of the public school system. In fact, every State has gone so far as to make provision in some degree for public education of collegiate and university grade.

While the State is thus gradually enlarging the field of opportunity, it is at the same time increasing the measure of compulsion which it places upon the individual. Its self-appointed responsibility is by no means satisfied when it has spread before its people a bountiful banquet of education and issued the invitation to all to attend. There are many who, through

ignorance or indifference or selfishness, would ignore this invitation. They would starve rather than make the effort required to dine at this board. I am reminded of the placard posted in the cabin of a steamer plying on one of the inland lakes. It sets forth a series of regulations covering the deportment of passengers and concludes with the artful announcement: "Ladies and gentlemen *will*, all others *must*, obey these rules." Thus the State says in effect: All persons with proper and intelligent interest in the welfare of their children *will* educate them; all others *must* educate them. So we see most of our United States — as, too, most foreign countries — enacting legislation compelling the tending of all children upon school sessions for some given period of time.

It cannot be emphasized too strongly that the public school is not a close corporation representing the private interests of the people of a local community. It is not an institution representing the voluntary cooperation of a group of parents combining to secure schooling for their children. It is not an institution toward which the parents of the enrolled children stand as patrons and all other citizens as unrelated and unconcerned aliens. The public school is an instrument of the State used by it to further its own purposes. These purposes relate to the welfare and self-interest of the collective state and of each and every constituent individual.

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We are now prepared to study the office of the teacher in the scheme of public education. It is clear that the teacher is the agent of organized society — in this country, the agent of the State Government. The only way in which the State can conduct its schools is through a series of agents, and of all these the teacher is the most important, in the sense that he is in most direct and intimate relation toward the pupils. The State Commissioner or Superintendent of Education may be a mighty factor in the direction of the educational work of the State, but his authority has effect only when it reaches out through the personal acts of the teacher. To the pupil in the classroom the teacher looms up larger than the distant, impersonal, almost apocryphal, superintendent. It is the public school teacher of whom we are speaking, and perhaps it will help us to understand his status if we compare him with the teacher under private contract.

If I engage a tutor for my son, that tutor becomes my personal agent to carry out for me, for a money consideration, my wishes in regard to my son's education. I make with him a specific contract, and, limited only by the terms of that contract, I may impose my will upon him. If it is my wish that my son be taught Sanskrit instead of French, astrology instead of astronomy, or even atheism instead of religious precepts, the teacher while in my employ must meet



those wishes. His own opinions on any of these matters have only so much weight with me as I choose to give them.

If, instead of employing a private tutor for my son, I combine with a dozen of my neighbors and together we employ a teacher for our children, then does my relation to the teacher undergo a change. He is now under contract with us jointly. That contract may specify certain rights accorded me as an individual on behalf of my child, but aside from this the teacher sustains no direct relation to me personally. His authority comes from the coöperating group. To it must he and I both go for a settlement of any differences that may arise between us.

Again, there is a certain variation in this condition in the form of a private-venture school. The teacher, instead of being sought and employed by us, the group, may himself establish a school. To this school he invites patrons to send their children. He owns certain equipment, offers certain curricula, employs certain professional methods, and imposes certain rules and regulations. All of these are integral elements in his school organization, and all of these I accept by contract, specific or implied, when I enroll my son in his school. My relation with the teacher is now different again from that in either of the two cases previously considered. I may not violate the provisions of my contract with him, but suffering dis-

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satisfaction I am free at any time to discontinue all relations with him and his school.

If now I enroll my son in a public school, I do so, either because I elect to avail myself of the opportunity offered me by my State, or because my State compels me to do so. The implication in the one case is that I can afford, if I choose, to give my son private schooling, but recognize the value to him of education in the public school; in the other, that I have no sufficient interest in the child to send him to school except under duress. In either case, my son once in school, my relation to the teacher of the school is the same. I have no contract with the teacher. The teacher is not in my personal employ. The corporation which does employ him is none less than the State of which I am a citizen. My relation to that political organization is solely that of a legislator, called upon, under rigid terms of law, at certain stated times, to express my opinion broadly as to men and measures, by means of the ballot.

It is clear, then, that the public school teacher is not in the employ of the parents of his pupils nor of the citizens of the community; hence his authority is not derived from parents or community. He is the professional agent of the State Government and from it flows his authority. This principle is so vitally important that I venture to emphasize it still further by a detailed application. To consider but a merest inci-

dent in the day's work, when a teacher in a New York City classroom orders a pupil to move from one desk to another, there inheres in the command a summary of the whole relation of teacher to pupil. Superficially it might appear to be but the exercise of a careless personal whim of an adult in accidental control of a child; fundamentally it is much more significant. The State of New York has, in its own interest, determined that that child shall attend school; it has imposed upon a corporate municipality of its own creation the duty of organizing a school for that child; it has directed the employment of a competent teacher and placed him in a position of official control over that child; that is, it has vested in that teacher, as its agent, a large measure of its own sovereign authority over that child. It is on behalf of this authority that the teacher exercises his judgment as to what things that child shall do or shall not do in order that the purpose of the State concerning it shall be fulfilled. His judgment, thus operating, determines that the pupil shall move from one desk to another. He gives the command, and in that command do we hear an expression of the authority of the State — in effect, it is the State of New York that issues the command.

I have elaborated this principle with, I fear, almost painful minuteness, but I justify so doing on the ground that our whole point of view is at stake. To miss this point is to miss entirely a proper conception

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of the place of the school and the relative positions of pupil and teacher in the school. The single act referred to is but one of hundreds occurring daily in any classroom. It but typifies the exercise of the teacher's authority over his pupils. As a single definite type of the teacher's elementary relation to the pupil, let us follow it even a little further.

The pupil may not at all want to move as he has been directed to do. Suppose that he disobeys the command. His disobedience, it is to be noted, is not the disobedience by the child of a personal request of the teacher, but the disobedience of the authority of an impersonal government — the State of New York. It is not with the teacher as a personal disputant that the child has to deal; he must settle his disobedience with the State, and if the settlement involves the teacher, it involves him not in his personal capacity, but as an official state agent. It may be that the teacher has exercised poor judgment in giving this particular command. The assumption is that the teacher is a professional expert, that his judgment as to professional acts and methods is sound; however, as a human agent, he is fallible, and makes his own percentage of errors of judgment.

If this pupil's father is convinced, for some reason or other, that in issuing this command the teacher has been guilty of error of judgment, then his technical redress is to be had not as an employer re-

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lated to employee. He cannot order the teacher as his employee to reverse his judgment, as he might were the teacher his privately engaged tutor. He has no position of authority whatever toward the teacher. He must look to the State, his State, for the settlement of what he deems his wrong at the hands of the teacher. The State is as much concerned as he that its agents shall act wisely in carrying out its educational purposes, and it has organized its school system in such manner as to place a check upon their actions. It has a series of other agents in positions of official superiority to this teacher. It is with these superior representatives of the State that the parent, adjudging himself aggrieved, must deal, and it is for them, exercising in turn their judgment, to sustain or reverse, justify or condemn, the act of the teacher.

The teacher, we have said, is presumably an expert; the parent, in respect to the science and art of education, is a layman. The teacher is acting in the interest of the State — his professional duty is to fit the pupil to take his place in society, to fit him as an individual and to fit him as an efficient constituent member of the social group. The teacher must secure this in accordance with sound principles of pedagogy and with the trained skill of an educational artist. He can no more explain off-hand to the layman the meaning of every act of his in the classroom than can the surgeon satisfactorily explain to the layman the technical de-

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tails of a complicated operation. Not every act of the surgeon indicates its ultimate value to the patient, nor does every act of the teacher bear on its surface the relation which it has to the ultimate welfare of the pupil. Failure to realize this frequently puts the parent and the school at artificial variance.

For instance, the attitude of many parents would indicate that they regard the promotion of their children at the close of the term as an intrinsic return due them for their school-taxes. It is as though promotion were a form of vested right which the school, for some mysterious reason, was determined to withhold from the child, and to gain which the parent must struggle with equal determination. It is as though promotion were equivalent to a theatre ticket which the parent had purchased and which a spiteful box-office man was refusing to deliver to him. The fact is that the whole matter of promotion is solely a question as to where in the school the pupil may best be served. In this question inhere several considerations, some of them technical. The much-desired promotion might, in a particular case, be the most disastrous accident which could befall the pupil in his entire school career. The parent must repose a certain degree of confidence in the school. Just as, if he were to place himself in the hands of a surgeon, he would not constantly question the surgical procedure, so, in placing his child in the hands of the teacher, he

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will not question at every point the teacher's professional judgment.

To repeat, the teacher is the professional expert, employed by the State as its agent, to accomplish its purpose as to the education of its children. This is the *philosophy* of the teacher's status. And it is not merely a sociologic theory, as we shall learn as we examine into the *legal* status of the school and of the teacher, and find that this philosophy underlies all the law and the prophets.

In approaching the legal side of our subject, we must remember that the school and the teacher, as institutions, antedate any of our existing governments. From ancient days the relation of teacher to pupil has implied a certain measure of authority the one over the other. In fact, this authority inheres, of necessity, in the very relationship, just as authority inheres in the relation of parent to child. The distinction is marked, however, in that in the case of the child the relationship is natural, not of his own choosing, and irrevocable. In the case of the pupil the relationship is artificial, voluntary, and subject to change. The authority of the parent is derived from imperial nature herself. The authority of the teacher is derived from the transfer of a portion of this authority from the parent. If an adult accepts discipleship, he, by the very act of acceptance, places himself under the authority of his leader. If a parent causes or per-

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mits his child to become a pupil, that child automatically becomes subject to the teacher's authority. This is necessary and inevitable.

The teacher is older than the State. Hence when the State arrived, it must of necessity recognize the teacher, and in recognizing him it recognized his authority. Thus there has grown up in the common law the accepted definite principle that the teacher, wherever found and whatever his exact status, must be supported with some measure of authority. It has remained for statute law to give some accurate definition of this measure. And as the public school teacher has become a part of a complicated system, we must look for these definitions within the larger body of general school law.

When the government of the United States was formed, the States, it seemed, did not specifically transfer the control of their schools to the Federal Government. Hence we turn to the organic law of the several States in order to discover the fundamental statutes. Every one of our States has some constitutional provision concerning education. With but two or three exceptions the legislative body of the State is specifically charged with the duty of creating and maintaining a system of common schools or of continuing a system already in existence. In the few cases where the duty is not specifically imposed upon the legislature, it is put upon it by the implication of



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general statements. In nearly two thirds of the States, the constitutions bluntly issue the command: The legislature shall provide for a system of common schools. It seems to be thought unnecessary even to state the thesis that a school system ought to be maintained.

Seventeen of the States, however, go further, and preamble their educational chapters with a phrase or clause setting forth the justification for state interest in education. Arkansas, for instance, says: "Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools . . ." California puts it on the ground that "a general diffusion of knowledge and intelligence" is "essential to the preservation of the rights and liberties of the people." This thought of the power of education generally diffused, is repeated in the constitutions of nearly a dozen States. Washington terms the provision of public education the "paramount duty of the State." Idaho and Minnesota, in identical language, assert that "the stability of a republican form of government" depends "mainly upon the intelligence of the people." Perhaps the broadest preamble of all is that of North Carolina, copied by Michigan in her constitution of 1908, — "Religion, morality, and knowledge being necessary to good government and the happiness of

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mankind, schools and the means of education shall forever be encouraged."

Thus have the people of the several States of the United States, in unqualified terms, invoked the authority of their most powerful legal instruments for the establishment and control of their school systems. Practically all of the constitutions go further and prescribe a certain form and a certain degree of centralized control. In both these respects the several States show a natural variation. It is not necessary here to consider these variations as they relate to the formation of Boards of Education, the creation of administrative offices, the prescriptions as to financial support, and related matters. It may be said of every State that, obeying the imperative mandate of its constitution, its legislature has established and is fostering some sort of school system. Also, it is safe to say that the universal trend is toward improvement of the systems in accordance with the teachings of educational science and in the light of an awakening civic conscience.

One of the most fundamental of the laws which the legislatures have placed upon the statute books is that providing for compulsory education. Only a few of the States have refrained from taking this step in the direction of securing universal education. The others prescribe specific ages between which normal children must be in attendance at school, public or

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private, or be given equivalent instruction at home. The age limits vary from seven on one side to seventeen on the other. New Jersey prescribes this full period of ten years, but most States content themselves with a six- or seven-year term. The constitutionality of a compulsory education law has been definitely affirmed — the law involves no unwarranted encroachment upon the natural right of parental dominion.

We have said that education is a privilege and not a right. This principle has been affirmed by the courts in numerous instances, as in the case of a New York citizen who demanded admission of his child to a public school without vaccination as prescribed. The decision of the court, of course, was that the citizen had no such right to public education for his child as he claimed. Each State has granted the privilege of free schooling, and each child thereby receives the right to enjoy the privilege. In this sense only has he the right to public schooling. It is an acquired, not an inherent right. His only right is that he shall share the privilege on equal terms with his fellows. If the law says that the public schools shall be open to all children above the age of six years, then each and every child of that age has the right to recognition under this law — no partiality may be shown to one child as compared with another. But this right is entirely conditional upon compliance with rules and

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regulations. If reasonable rules, uniformly applied to all pupils, are not complied with by any individual pupil, then he forfeits his right to the service of the public school. Thus even his privileged right has its limitations. In our further discussion, the right of the child or his parent will be understood to be of this nature.

These educational rights are extended by the State through authorized agents. An administrative staff is organized and the employment and supervision of teachers is provided for. The administrative agents are of two broad classes, the lay and directive agents and the professional and executive agents. The first are usually grouped into boards charged with the direction of the schools of a district. In New York there are some districts governed by a single trustee, but the common condition is a board of three. Municipalities, in respect to their schools, are regarded as state districts, but the board of trustees grows into a more numerous body and undergoes a change of name, becoming a Board of Education or School Board.

The members of city boards, however appointed, even if directly by the mayor, are neither the agents nor the servants of the municipality; and, by implication, the school property under the control of the board may be regarded as a state asset. Although the municipal board acts more or less independently of the general state system, its extra authority is in

essence a gift, or better, a loan, from the State Government. For instance, the board may fix its own qualifications for the certification of teachers, but these must satisfy the minimum requirements set by the State. Henceforward, the word *trustee* will be used to designate the member of the school board, by whatever title he may serve.

The second class of agents comprises the professional experts, the superintendents, whose business it is to carry forward, in executive capacity, the broad decisions of the lay legislators. Thus the State as a whole may have a State Commissioner or Superintendent, deriving broad powers from the constitution and specific rights and duties from the legislature; the district boards of trustees may have advisory local superintendents, exercising supervisory functions over the schools of several districts; the municipal board may have one or more city superintendents to execute its will within the schools of the city.

The teacher comes into direct relation with both these groups of administrators, but the relationship is distinctly different in each case. We may dispose of the second group first, for the word *teacher* may be used in a generic sense to include all the members of the teaching and supervising staff. When a number of classes under several teachers have gathered together in a single building or in a single organization, it has become necessary to designate one of them as

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the principal teacher. Gradually this teacher has become less and less responsible for the management of a class and more and more a school executive, and his name has been reduced to the single word *principal*. In general, such of the historic powers of the teacher as concern the school as a whole have been transferred to the principal. A similar transfer from principal to superintendent has been effected when schools have been grouped into systems. In rural communities the transfer has been made direct from teacher to superintendent. In any case, the teacher is directly responsible, on the professional side, to his immediate superior, and carries out orders received from him. Henceforth, when we speak of the teacher, it is with the understanding that in particular cases some of his powers may be exercised and his duties performed by a supervisory officer.

We next come to the question of the mutual relation of teacher and trustee. The trustees, as already noted, derive their authority from the State, notwithstanding the fact that they are selected by the people of the district. In making their selection, the people of the district are performing a duty not of their own invention, but one prescribed by the State. Hence it has been decided at law that a board of trustees constitutes a quasi-corporation, possessing full power to bind its district contractually and financially. Thus they may create a corporate liability which attaches

to their successors in office. A teacher, then, makes his contract with the board as a permanent corporation, and can hold that corporation for his wages whatever the changing personnel of the board. That is, the teacher's contract is not with the trustees as persons, but with the district.

The trustees have a certain authority over the pupils in their schools. Fundamental is the power to make and enforce rules as to regularity of attendance. Allied to this is their authority to make rules and regulations for the government and discipline of the pupils. Text-books are usually adopted by the trustees and they have the power to limit the pupils to the use in the school of the prescribed books. Sometimes there is state requirement as to the subjects to be studied, but ordinarily the power to prescribe a course of study rests with the trustees. The trustees, too, fix the teacher's wages, except that in some cases there are minimum schedules set by the State. But the trustees cannot fix the wage so low that no teacher will accept the position. That is, the trustees are under obligation to maintain the school and must secure a teacher, whatever the wage-cost may be. Again, the trustees are limited in relation to the teacher in that they may employ only a *qualified* teacher, — one, that is, who holds a legal and unexpired certificate to teach.

It is significant that the decisions are uniformly

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emphatic that the position of the trustees in regard to teachers is entirely independent of the parents. The power to employ teachers rests exclusively with them. They need not be guided even by a vote of the district meeting; they have been upheld in disregarding the unanimous vote of the district as to the sex of the teacher desired. Presumably a board of trustees would not be wantonly unmindful of the wishes of the parents, for consideration of those wishes would have a direct bearing upon the quality of the work done in the school. Yet when, for any reason, the issue is drawn, the authority of the trustees is seen to be absolute. Incidentally, too, the principle has been established that the people of a district cannot secure the dismissal of a teacher by inducing the certificating power to annul his license. That is, dissatisfaction of the people with a teacher is not of itself a sufficient warrant for annulment. Again, the teacher's authority to teach cannot be questioned on the ground of certificate by either pupils or parents. It is the trustees alone who can raise the question. It is to be noted, too, that the teacher's contract is with the trustees as a board — action must be taken at a meeting and by a majority vote; the individual trustee has no power to make the contract.

It is clear, then, that the teacher's legal position in the school is entirely independent of the parents and other citizens. His dependence is upon the trustees.



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In dealing with the board it is ruled that, barring a specific contract to the contrary, he must accept whatever grades and subjects, within his capacity, may be assigned him. He is protected, however, by the proviso that a change of grade must not involve a reduction in salary, as this would be equivalent to an unwarranted discharge. Moreover, it is the trustees as a board only with whom he deals. He is in no way responsible to them in their individual capacity. Individual trustees have no authority to make rules, nor to give orders to teachers, nor to take the teacher's place and authority without his permission. They may not, that is, in visiting the school, interfere with the work of the teacher; they may not prescribe his method of instruction, nor assume to conduct the recitations, nor otherwise usurp the teacher's professional function; they may not conduct examinations or interfere with the management and seating of pupils. This, of course, does not imply any other than a cordial relation between individual trustees and the teacher for mutual interest and profit. Nor does it make the teacher independent of the trustees as a board. The function of the visiting trustee is to inspect and report. If his recommendations meet with a vote of approval by the board, then and then only do they become operative.

Turning now to the relation between teacher and parent, we find a certain balance maintained between

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the rights of each. It has been held that the teacher has the right to exact a written excuse from the parent or guardian for each absence or tardiness of a child. Within the limits prescribed by the trustees as to course of study and rules relating thereto, the teacher has full authority to assign pupils to grades. The authority of the teacher over his pupils extends throughout the entire school building, on the school premises, and in the immediate vicinity of the school when his pupils are under his care and oversight. While they are going to and returning from school, the teacher's authority is concurrent with that of the parent. The thought is that the school has an important interest in all of the acts of the pupil which he may commit from the time he leaves the parental roof until his return, in so far as these acts may have an influence upon the discipline and atmosphere of the school. Having this interest, the school must be vested with a corresponding measure of authority. When the child has returned to his home, the authority of the teacher ceases absolutely and the parent once more becomes solely responsible for the conduct of the child.

The teacher thus has authority to hold a pupil accountable in school for any act of disorderly conduct of which he may have been guilty on his journey between school and home. In Michigan, for instance, the Supreme Court sustained a teacher who made a rule that pupils should go home immediately upon

dismissal, and upheld him, too, in going into a store and ordering home children who had disobeyed this rule. On the other hand, it is clear that after the child has reached home, his further actions in the home or elsewhere are outside the surveillance of the teacher. Any attempted exercise of jurisdiction by the teacher in such a case is an interference with the authority of the parent. It is curious that, while this is the status quite uniformly throughout our land, in some cases established by statute, the State of New York is quite definitely on record as holding exactly the opposite view, namely, that the teacher's authority does not extend beyond the school premises. Yet, while this is the general ruling, in specific instances the courts have upheld the teacher in his exercise of authority in the immediate vicinity of the school.

There is, however, no exception to the principle that within the schoolroom the authority of the teacher is absolute. He may resent intrusion and interference with his work. He has legal support in evicting any visitor, even a parent, from the classroom. He has exclusive control and supervision over his pupils, subject only to such regulations and directions as may be prescribed by the trustees. He may make rules for the government of his pupils and may punish them for infractions of these rules.

When we say that the teacher's authority is absolute, it is understood that the procedure of the

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teacher must be lawful and reasonable. Of course the criminal code extends to the relation of teacher and pupil; the teacher may not any more freely rob, assault, or murder his pupils in the classroom than in their homes. Nevertheless, his exercise of corporal punishment, is not in most States construed as assault. In New York, his right to exercise it is affirmed by statute in these words: "To use . . . force or violence upon the person of another is not unlawful when committed by any . . . teacher in the exercise of a lawful authority to restrain or correct his . . . scholar, and the force or violence used is reasonable in manner and moderate in degree." This statute is nullified by some trustees, as, for instance, the Board of Education of the city of New York whose by-laws provide that there shall be no corporal punishment in any of the public schools of the city. The teacher, of course, is subject to the rule of the board with which his contract is made.

The courts leave to the trustees determination of the fact that a reasonable rule of theirs has been violated. That is, if the trustees prescribe a certain rule and then expel a pupil for a violation of that rule, the court considers only the question of the reasonableness of the rule, and then with the presumption in favor of the trustees. That decided upon, the court does not review the action of the board, but accepts its finding that the pupil violated the rule, and conse-

quently sustains the expulsion. A similar principle applies to the rules made by the teacher. The presumption is that his rules are reasonable; it is for the parent to raise, and for the court to settle, the question of the rule being unreasonable. The facts of the case, where they are questioned, are determined by jury; the points of law and the definition of reasonableness are determined by the judge. The same principles are followed by the state educational departments and state superintendents in giving rulings when these points come before them for adjudication.

Of course, only a few specific points of reasonableness, out of the many which might arise in the management of a class, have been considered at law. Some of these are worth noting. It has been held reasonable for teachers to detain pupils after regular school hours for discipline or instruction, although the State of Iowa forbids it if the parent objects. But within this general proposition there is the further question of reasonableness as to the length of detention. No court decisions seem to have been rendered, but most municipal boards have fixed a limit, — Newark, for instance, to one hour, New York to thirty minutes, and Cleveland to twenty minutes. It has also been held reasonable to suspend a pupil for irregular attendance and persistent tardiness. Again, the authority of the school has been upheld in disciplining pupils for the use of tobacco.

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On the other hand, there are several specific decisions against the teacher and in favor of pupil and parent. For instance, it is quite uniformly agreed that the school may not insist upon religious exercises of any kind. Related to this is the question as to whether pupils may be compelled to follow the course of study in every respect. It cannot be said that there is uniformity of ruling on this question. The trend seems to be in favor of withholding this authority from the school and granting certain freedom of choice to the parent, especially from among the subjects of study not prescribed by statute.

Among specific decisions restricting the authority of the teacher, we may cite three of particular interest as illustrating important principles. It has been held that pupils cannot be compelled to do janitor work. They cannot, for example, be required to bring in wood from the playground for the stove. The school, too, has no power to inflict any pecuniary fines as a punishment, or even as indemnity for injury to school property. The act of committing such injury is punishable as a breach of discipline, however. Also, the teacher may not question the manner of attire of a pupil when it is merely a question of taste. For instance, it has been held that a girl could not be disciplined because her coiffure, satisfactory to her mother, did not suit the teacher.

We are now prepared to summarize the position of

the teacher in his classroom. As he stands before his class he embodies the authority of the State. His State has decreed to a certain extent how, and in what directions, he shall exercise that authority. Beyond this, to cover the points it has not defined, it has placed certain discretionary powers in the hands of a board of trustees, who are to interpret the will of the State. This board in turn has laid down certain specific rules and directions for the guidance of the teacher. But these, however many they may be, cannot adequately instruct the teacher as to the details of his procedure in office. Were this possible, the teacher might almost be replaced by a mechanical figure. Of necessity, much discretion must be extended to the teacher. So, as a general proposition, we may say that in exercising authority, the teacher must accurately perform the duties and respect the limitations imposed upon him by his superiors, and in all matters, not by them defined, exercise common sense and sound professional judgment. His superiors formulate the general principles of procedure; he is to apply these practically in the classroom in the light of reason. So long as he can justify the reasonableness of his rules and of his enforcement of them, his authority is absolute.<sup>1</sup>

<sup>1</sup> The reader is urged to consult C. W. Bardeen : *A Manual of Common School Law*, which gives a comprehensive summary of legal decisions and citations.

## II

### THE RESPONSIBILITY OF THE TEACHER

It is written: To him who hath shall be given. I take it that the highest interpretation that we can put upon this truth is that to him who hath power and authority, to him also is given responsibility. We may go further and accept this proposition in a tolerably accurate quantitative sense. Authority and responsibility are commensurate. The teacher's responsibility, in the narrow legal sense at least, is accurately measured by his stated powers and limitations.

We need not pause long to determine the direction of his responsibility. His accountability is toward the source of his authority. His defense of his acts is to be presented, not to parents, not to citizens, not to individual trustees, but to his official superior state agents — the school boards and the administrative officers. It is well to recall at this point that the action of the teacher in regard to general regulations, the course of study, adoption of text-books, expulsion of pupils, etc., has no legal force until formally



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indorsed by the school board. Hence the teacher should promptly seek such indorsement and never assume an authority he does not possess. Moreover, he should make it his general policy invariably to place responsibility where it belongs. He must nullify all attempts of others to unload their responsibility upon him; he certainly has enough of his own. Nor must he permit others to assume his responsibilities.

We do not have to go far in the experience of any teacher for illustrations of the necessity for such caution. The principal of a city school meets them daily. For example, an irate citizen appears with a grievance that boys at play yesterday broke a window in his house four blocks away. He is certain that the culprits are enrolled in this school and demands that the principal investigate the case and punish the offenders. The principal patiently points out that, having no jurisdiction, he has no authority, that the responsibility rests with the police department of the city government, and that for him to usurp the police power would place him legally in a position of personal liability to the parents of the boys. He even assures the citizen of his personal sympathy in his distress, informs him, if he does not already know it, of the procedure open to him through proper channels by which he may seek redress, and informs him that the incident will serve at an early date as a text for

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one of the principal's talks to pupils on their duties as citizens. But the chances are that Mr. Citizen leaves all unconvinced and still insisting that the school should give him his "rights."

Next appears a parent who for some reason wishes his child to enter this school instead of the one nearest home. The principal explains that he has no authority, that the transfer of pupils across district lines is under the jurisdiction of a school superintendent, that he cannot act except under the direct order of this superintendent, and that the superintendent's office is located at such an address. More than three times out of ten, the parent goes away convinced that the principal is crotchety, depriving him of an inborn "right" to place his child in whatever school he may choose.

The next day it is a member of the board of education who puts his chest tones into his voice and demands that the discipline case of John Smith be settled immediately. The sole reason, it appears, is that John Smith's father has been his personal or political friend for twenty years, and he does n't propose "to have any nonsense about the thing." That means that he has no interest in the merits of the case, and has after all no sense of the boy's true welfare. He wants no explanations; he wants the case settled; and right away; and because he says so. He utterly fails to appreciate his relation to the school, his duty to act in a

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legislative capacity as a member of the school board and not as a peripatetic meddler in detailed matters of school routine, and his duty as an intelligent citizen to correct the misguided parent in his notion that he may shirk his parental responsibility.

Let me hasten to add the word of explanation, though probably one of supererogation, that such cases as these cited, while occurring all too frequently, are nevertheless the chance exceptions. Happily, the average citizen does not ask the schools to take on the duties of the police or other city departments; happily, most parents can reasonably understand the status of the school when it is explained to them; happily, the great majority of school board members rightly sense their high privilege in the service of the State. But unhappily, there is enough misconception in all directions to involve much waste of time and energy on the part of school principals and teachers, who must be defining status, when they could better be serving their pupils in more direct ways.

Somewhat related to all this is the necessity of the teacher keeping constantly before him the motto: I am in the service of the school alone. Many are the subtle, and not a few the brazen, efforts made to compel him to serve some other interest than that of the school. Many are the people who seek to use the school for their personal ends and petty ambitions. They include the man who would photograph the

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classes and sell the pictures to the pupils for his private gain, him who would interview the teachers in order to sell them soap or magazines, him who would circularize the pupils on behalf of some money-making scheme — all people who, for some curious reason, think that the principal and teachers can be induced or browbeaten into serving them instead of the State. They should all be met squarely by the teacher, who remembers that his responsibility is not to them but to his school.

And now what is the responsibility of the teacher to his pupils? The rights of the parent involve a corresponding responsibility toward his child. When the parent surrenders to the school the person of his child, he thereby transfers a large part of this responsibility. Hence, we have the position of the teacher designated as *in loco parentis*. Only in part is this legally true. The teacher is not fully in the place of the parent, nor would it be safe, as a general proposition, to entrust the teacher with the full power of the parent and its attendant responsibilities, for he cannot, after all, have the same natural, vital interest in the child as have its parents.

First of all, the teacher is responsible for the physical safety of the pupil. The parent has the right to assume that his child, once entrusted to the school, will be protected in his person and health. Hence it is questionable whether the teacher should ever send a

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pupil out of the school building during the session. There are certain cases of necessity, and in these the teacher should most carefully fulfil his obligation for the child's safety. In the case of sudden illness, it is better to transfer the responsibility to the parent, notifying him and asking him to supervise the removal of his child. Where this is impracticable and it is necessary to send the child home, it is wise to provide for his escort by an older pupil or if possible by an adult. When it is necessary to use pupils as messengers outside the building, only those for whom parental permission has been obtained should be employed. The teacher, too, is under obligation to use judgment in granting interviews between strangers and pupils and in permitting the withdrawal of pupils during the session. The risk here involved appears chiefly in the large school, where, for some ulterior reason, a person purporting to hold relationship to a pupil may secure possession of him. The policy of the school must be one of extreme caution.

Similarly must the school anticipate accident and emergency. The ingress and egress of numbers of children are attendant with the risk of accident; hence reasonable supervision must be exercised. The danger of fire and panic is ever present, and the teacher is responsible for such training of his pupils as shall minimize this hazard. Again, the school is responsible for taking such measures as will preserve

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the health of the child, saving him from the chances of contagion, supplying him with appropriate school equipment and appliances, giving him pure air to breathe, and training him in the fundamental hygienic habits. In short, it should always be borne in mind that it is the parent's rightful expectation that his child shall be duly and safely returned to him in good condition at the close of the session, so far as the exercise of reasonable judgment on the part of the school can control.

Likewise is there placed upon the teacher a burden of responsibility for the mental and moral welfare of his pupils. The pedagogic methods of the teacher can not legally be interfered with except by his official superiors; therefore must the teacher aim to perfect his methods so that they shall be beyond reproach. It is the function, too, of the school to develop in pupils high ideals and to teach them to strive to achieve them. As a necessary part of their moral development they must be trained in the social and school conventions of regularity, punctuality, and orderly conduct. As the authority of the teacher in his giving of this training is large, so is his responsibility. He has the power to correct and punish; he must not shirk his accompanying duty. The authority is given him to use; he is neglectful of duty if, through indifference or in the interest of his own comfort, he fails to use this authority for the ultimate benefit of the pupils

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under his charge. Having this authority, there is laid upon the teacher the further and particular duty of exercising it with discretion, and of making steady gains in the quality of his school management. The realization of the fact that his authority flows from the needs and the purposes of an imperial State, will influence his bearing in the classroom. It will give him a poise and a confidence in his every act of class administration.

But the keener his realization of the strength of his position in the classroom, the greater the restraint he will place upon himself in the exercise of his authority. Never will he stand before his class in the speech or in the spirit of: "Look at me; I am the State of New York." We recall the teacher who, upon his appointment to a principalship, opened his first teachers' meeting with the words: "I will have you all understand that *I* am the principal of this school." Such an attitude is of course the supreme height of administrative folly and weakness. We may lay it down as a general principle that he is the best administrator who rests upon the fact of his authority and not upon talk about it. So, that teacher would be weak indeed who flaunted his legal authority before his pupils. It must be kept well in the background — but is ever there for the teacher to use upon occasion; and the very fact of its presence is ordinarily sufficient to insure a proper relation between teacher and pupil.

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We have seen that the teacher's acts when called in question are to be adjudged according to the principle of reasonableness. Even the teacher himself cannot accurately prejudge his own case; but he may strive to cultivate sound judgment so that, as he gains in experience and maturity, his judgment may be less and less frequently reversed. Let us illustrate by a specific case which is carried into extreme detail for the sake of making clear the point involved. The teacher notices that several pieces of paper litter the floor in the neighborhood of a certain pupil's desk. Presumably that pupil is responsible for their being where they are — at any rate, it is his territory that is untidy. Has the teacher the authority to direct the pupil to pick up the papers? The question may seem trivial and the answer ludicrously simple, but it is a case where the principle of reasonableness is to be invoked. It has been held that a teacher may not compel pupils to perform the duties of the janitor. Would the demand here under consideration be construed as a demand for janitor service? If so, the teacher has no legal right to make that demand. Even were it so construed, one might argue that it is a small matter and that the teacher might well take the chance of exceeding legal authority in so trivial a case. But, to put it upon the low plane of expediency, the teacher must remember that he never knows when exception may be taken to his most incidental acts. A



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thousand cases such as this will be passed over unheeded. But in the next case the parent of the boy takes exception, makes appeal as he has the right to do, and the teacher is in the position of defending his action first as legal and secondly as reasonable under the law. But the teacher should lift the question from the level of expediency and settle it in accordance with lawful conduct, regardless of the element of chance as to being called to account.

To return now to the question itself. It is clear that if appeal were taken by the pupil, the case would rest upon the definition of janitor service and the teacher's defense would be that his request could not reasonably be construed as one demanding such service. It would seem certain that if the entire classroom floor were littered with papers and the teacher arbitrarily selected one pupil to clear the floor, the pupil would virtually be performing janitor service. On the other hand, we can hardly conceive that a court would rule that the demand for the pupil to pick up half a dozen scraps in the vicinity of his desk was a demand for janitor service. That is, if there are six papers, the teacher is right; if there are six thousand papers, the teacher is wrong; where, then, between six and six thousand is the line of reasonableness to be drawn? This it is the function of the court to determine. I have raised this question and followed it so minutely, in order to show that this line of rea-

sonableness is present in every question which may arise as to the teacher's extent of authority under the law. It would undoubtedly be deemed reasonable, in all ordinary cases, to compel a pupil to stand for five minutes as a punishment; it would certainly be unreasonable to the point of cruelty to compel him to stand for five hours; where, then, between five minutes and three hundred minutes is the line of reasonableness to be drawn? Again, a pupil claims the right to bring a satchel into the classroom containing his books, lunch, and personal belongings; it is evident that if fifty pupils were all seized with the desire to follow the same fashion, there would have to be a limit to the size of satchel permitted; where, then, between a ten-inch lunch-box and a three-foot suitcase, could the line be reasonably drawn? Thus cases might be cited *ad libitum*; a host of them will promptly arise in the mind of every practical teacher, but we need not consider any more in order to point the moral. The lesson, I take it, is that the teacher should so train his judgment that his view of reasonableness, in every case, will coincide pretty accurately with the view that would be taken by a judge on the bench before whom the legal points of the case might be argued.

But there is a deeper point to be gained. While the teacher will not entirely dismiss from his mind this legal basis of his authority, he will constantly strive

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to get away from the legal attitude, to substitute artistic management for dogmatic command, to have his professional ability out-govern his legal authority; in short, to rule by inspiration rather than by law. There are other, and equally effective, ways of getting a boy to pick scraps from the floor than by making it a question of authority. Teachers are apt to raise the incidents of the day's work into international issues, and the issue once raised, has to be seen through to a settlement. It is a duty of the teacher, then, in respect to the exercise of his authority in the classroom, to cultivate a sound judgment in determining its extent and limitations, but parallel with this he will ever seek so to perfect his administrative skill that he will rule less and less by law and more and more by the force of a winning personality.

### III

## THE PROFESSION OF THE TEACHER

THE receipt of authority, as we have noted, brings with it the imposition of responsibility; but there is yet a higher responsibility based upon and measured by opportunity. In the one case, we are under exact legal obligation; in the other, we are under a general, moral obligation. For example, if I witness a man commit murder, I have the legal right to arrest him; hence I am under an obligation to the law to arrest him. If I reach him earlier while he is brooding murder, under the law I am not concerned with him; but if a word of mine will influence him to desist, then does my opportunity impose upon me the moral duty of saying the word. It is upon the teacher's fulfillment of his general, extra-contractual, moral obligations that his professional status largely depends. Like any other man who has availed himself of the opportunities so freely offered by civilized societies, he begins his professional career in debt to society. It is in liquidation of this debt that he puts into his work that form of service which no mere contract can command.<sup>1</sup>

<sup>1</sup> For an elaboration of this thought see chapter II, "The Principal and the State," in the author's *The Management of a City School*.

Thus far we have been considering the teacher's responsibility toward the law. We have been asking ourselves what are the powers he is paid for exercising and what are the duties he is paid for performing. Nor do we depreciate financial position as an element in fixing one's status. While it is true that social standing, in the best sense of the term, is not determined by one's income, yet the factor of income cannot be altogether neglected. There is a certain "living wage," below which a man's income may not fall and permit him, under ordinary conditions, to maintain his self-respect. Conversely, if the prevailing wage in any line of effort falls below a decent minimum, there is little hope of securing men of self-respect and professional competence. As a certain State Commissioner said, in sustaining the appeal of a teacher against dismissal, "though I am disposed to rate him considerably below the grade of a first-class teacher, still, the trustees can hardly expect to get all the manly and scholarly virtues for fifteen dollars a month." A word may be said, in passing, as to the salaries of teachers. We must remember that the State has, and can have, no special interest in teachers as a class. There is no reason why the salaries of teachers should be maintained at or raised to a high level except as the interests of the pupils demand it. The interest of the State is in its children and their education in the public schools. The State

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must turn a deaf ear to any appeal on behalf of salary increases merely because the teachers want the money. The only argument which the State can accept is one which follows this syllogism: The pupils in our schools require and should have teaching of a given quality; teaching of this quality can be obtained only by increased expenditure for salaries; therefore, teachers' salaries should be increased. Put the argument in this form, and, provided the facts are in keeping, it is unassailable.

But the salary factor is, after all, relatively a minor one in determining status. No man or woman of sanity would for a moment think of entering the teaching vocation as a method of reaching financial prosperity. What, then, are some of the other rewards of the teacher?

Chief of all, teaching, like virtue, is its own reward. Just as the physician frequently gives his most devoted service when he has lost all thought of his fee, just as the clergyman best ministers to the souls of his people when he has forgotten the size of his stipend, so does the teacher best serve the pupils before him when his service is unrelated in his mind to his salary check. There is a free-will devotion which he puts into his work that draws its own peculiar form of compensation. The gleam of recognition that lights the eye of the boy as he comes into his inheritance of some century-old truth; the triumphant furrows

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written upon his brow as he conquers a knotty problem; the glow of enthusiasm that warms his cheek as he feels the hastening pulse-beat of patriotism stirring within him; the inspiration of his countenance as his heart contemplates a noble heroism; the solemn dignity of his bearing as his soul effects a moral conquest, — these, these are the rewards of the teacher.

Then, too, is not the teacher rewarded by the standing which is accorded him by society? By this I mean not at all is he received into the fashionable four hundred of his town, or is he accepted by swelldom as one of their own. But, do men and women of stamina and accomplishment respect him as a fellow sharer in the world's work? Do the men and women who constitute the leaders in the forces making for righteousness recognize in him an efficient ally? Do people of culture seek his companionship and welcome his interest? Do the citizens of his community look to him as a leader? Do the parents of his pupils entrust their children to him with confidence? Do his pupils in after years recall him to honor him, to revere him, to love him? In short, is the teacher a real man or a real woman among the real men and women of his day and generation? These are the questions to be put in determining the *social* standing of the teacher. And what is the social status of the American teacher?

In the first place, the law has given the teacher a

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certain professional recognition. For example, the law forbids the employment of a teacher who does not possess a certificate or license to teach. Hence the day when "anybody can teach" is a day of the past. An ignorant or short-sighted community, electing it may be, an ignorant school board, and willing enough to save money by employing an unlicensed person in its schools, is protected even against itself and its own ignorance. Many States go further and demand that all teachers under contract to teach in any school of the State must attend certain institutes conducted for their professional instruction. Nor may a calculating self-interest on the part of either the teacher or the school board interfere in the matter, for in most States failure on the part of the teacher to attend as required is deemed sufficient cause for the revocation of his license. On the other hand, the board must pay wages to the teacher while he is in such attendance, even though at the time the school be not in session. The law further throws a certain measure of protection around the teacher in respect to tenure. Cause must be shown in discharging him, and in many cases, as in New York, the burden of proof is upon the trustees and the teacher must be given a hearing. Colorado is an exception, perhaps an unenviable one, in permitting summary discharge. Again, in most States, neither dissatisfaction of pupils and parents, nor personal ill-will in the district, is cause for dismissal or



for annulment of certificate. Nor can an economical school board place upon the teacher the burden of carrying the misfortunes of the district. He must be paid his full wages, even if his service is interrupted by enforced closure of the schools. This happens in case of meagre attendance, of contagious disease, of severe storm, of fire or other accident to the school building, of wrangling on the part of the trustees. In any event, the contract with the teacher, who stands ready to perform his part of it, must be met in full. Furthermore, the teacher feeling unjustly treated has the right to appeal to the educational department or to the courts; and it seems to be well established that "the law presumes that the teacher acts correctly and with justice, and it must be shown by evidence that he has not so acted." Thus, in these various ways, does the law give the teacher such a measure of protection and standing as to assure to him a certain respect in his community.

But the American teacher's position, despite these legal defenses, is unsatisfactory enough when compared with that of the teacher of many foreign lands. In France, Germany, and other continental countries, the teacher is a civil officer of the State, enjoying official privileges and immunities, and the consequent respect of the people. In Sweden and Austria, teachers have a definite official grade, a high-school principal, for example, ranking with a major-general. In

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America, it is only in a few recent instances that teachers have been declared by statute to hold an official rather than a contractual relation to the district. In general, the teacher is regarded as an employee and not as an officer; one effect of this is to make applicable to him the rules of private and not public law.

A fair view of the American teacher's social footing must convince us of the approximate correctness of the statement of that English visitor who reported, "It certainly appears to the casual observer visiting the States that the teacher, as such, has little or no status; that is, that his status is that of the man apart from his profession. His influence . . . is determined by personal qualities and not by profession."

So, after all, the fact is that in America the individual teacher makes his own status. Teaching will become a profession just so soon as the teachers become truly professional. "Men of inferior degree," says Maeterlinck, "are not given to judging themselves, and therefore is it that fate passes judgment upon them." We have to confess that the rank and file of the army of teachers throughout the United States render no severe judgment upon their own shortcomings. Hence it is natural that people in general adjudge the teacher slightly. For we respect the man who realizes his own deficiencies and who devotes his

life, as he must when his realization is sincere and vigorous, to repairing those deficiencies. But we cannot respect any man, or any body of men, whose demand for respect is not supported by intrinsic worth. We cannot be blind to the estimate that less than twenty per cent of the teachers of the United States have had any professional training whatever. It is difficult for people in our large and progressive cities, where most of the teachers have had such training, to sense the force of this statement. The standing of the trained teacher in our city schools is, naturally enough, considerably higher than that of the untrained teachers of the less fortunate districts. But it is these latter who are in the vast majority, and it is they who bring the connotation of the term teacher down to the dead level of mediocrity. Nor need those of the cities flatter themselves too greatly upon the strength and quality of the leaven they provide.

To summarize, the present status of the American teacher is this: He has limited but rather definite legal authority with its attendant responsibility; he has practically no official standing; he is but poorly remunerated financially; and his social and professional standing depend almost wholly upon his personal qualities and little upon the legal recognition of his calling. And yet we are conscious day by day of a gain; we may be confident that the teacher's status of a generation hence will be far in advance of that of

to-day. The State, if it is wise, will do much, on its own initiative, to further this advance; the citizens of the State will demand better and better service as they come more accurately to evaluate the worth of service; but no governmental paternalism, no civic impulse, can factor so tremendously as the enlightened effort of the teachers themselves to make themselves professionally worthy. It is the physicians who have created the profession of medicine, it is they who maintain and advance its standards; it is the lawyers who have converted the practice of law into a profession; so must it be the teachers who establish their vocation upon a professional footing.

Let us note briefly what the professional attitude of the teacher implies. It is in three main directions that the impress of the professional teacher will be felt in marked distinction from that of the unprofessional teacher. To study the teacher, we must measure the light of his influence as it radiates outside the school-house, we must follow him into every nook and corner of his classroom, and we must sit with him in conference with those alone whose interest in his charges exceeds his own. That is, he stamps himself upon the public, upon his pupils, and upon the parents of his pupils; and the imprint that he leaves is chiefly the replica of his own personality.

The teacher should modestly profess much, and then make good his profession. He knows, better per-

haps than any one else, how much the State needs the cultured, trained mind in its business of education. He is on the ground and gains the right to speak. He should speak in no unmeasured terms in favor of training and culture. He owes this to his State. It is not so long since even thoughtful people dismissed the subject of professional training of teachers with the paraphrase that teachers are born and not made. "If one has it in him to teach," said they, "he will teach well; if not, he will teach ill; and that's the end of it." As well say of the physician: "If he has the inborn knack of cutting and healing, let him cut and heal; waste no time in attempting to train any one in medicine and surgery." But this is the day of the demand for the trained man; and it is an imperative duty of the teacher to grind down the teeth of the saw that "those who can, do; those who can't, teach." He must stand for more training and better training for this, his own, and for the coming generation.

We have already compared the work of the teacher with that of the physician, and urged that the work is technical in both cases. It behooves the teacher to take this view of it and meet this measure in his own training and practice. If he simply has the laymen's notion that any one can teach, he has clearly mistaken his calling and should abandon it for some task of which it can be truthfully said that any one can do it. The teacher must so perfect himself pro-

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professionally that every detail of his work bears the unmistakable stamp of peculiar skill. The only basis upon which the surgeon can gain the confidence of his patient is that of respect for his technical skill. So, too, the only way in which the teachers of a community may gain professional standing is to prove themselves, one and all, equipped with technical strength and the purpose of keeping in the forefront of technical progress.

They must, too, prove themselves immovable in their stand for professional integrity. There is something saddening to see a man enter the principal's office with a letter of introduction from some political friend requesting from the school some simple service which is but his due. It is equally saddening to hear some alderman, evidently speaking in sincerity, tell how busy he is kept getting favors from the schools for his constituents. The implication that ordinary justice can be secured from the school only by special favor is certainly a sad commentary upon our civic life. Can it be that the teachers must take some of the blame for this situation? If so, it points to them a plain duty so to govern themselves that no part of this reproach can remain with them. It largely rests with them as a body to hasten the day when the politician answers all applicants for his intercession in school affairs with the stereotyped form: If your request is just, the school will comply with it without my inter-

vention; if it is unjust, you have no right to make it, and even if I were disposed to speak for you, the school could not and would not listen to me.

Again, the teacher must stand for culture and personal fineness as the *sine qua non* of the teacher. He knows how dangerous is a civil-service system which grinds out teachers on the basis of clever shrewdness in answering book questions with speedy accuracy. He knows how fatal it will be to our schools if this is the single test, and if left out of account entirely are the fundamental virtues of the heart and the will. Mere mental cunning may be the criterion in licensing accountants and detectives; but our teachers must have refinement and those qualities which grow out of fraternal love, else will our public schools fail in performing their true function.

But the teacher may not consistently plead for these things unless he himself exemplifies them, or at least shows evidence of honestly striving for them. May a man, by taking thought, add a cubit to his intellectual stature? The teacher who neglects his own growth is committing a crime not only against himself but against society and the eternal verities.

In addition to becoming master of the details of his craft, the teacher must grow along the broadest lines of study, travel, and experience. If he cannot conveniently pursue formal study at some collegiate institution, he can at least devote some of his time to

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thoughtful reading by himself or with chosen companions. If he cannot travel in person, he may at least go to the uttermost parts of the earth by way of the printed or spoken lecture. If thrilling experience has not come to him, he may at least seek experience. Let him but forget himself in a desire to serve others and he will not have to turn far aside from his own life in order to sense deeply the lives of others. In all these directions will the teacher gain in strength, in insight, in sympathy; and these forces put behind his ever-improving technical skill will make of him a master-mechanic in that highest of all trades, character-building.

Thus may the teachers bear evidence to the world that they have become professionally worthy, and having done that, inevitably will there be accorded to them a status as high as that of any body of men or women in our land.

And while they are thus demonstrating to the lay world their advance in worth, our teachers should develop just as surely in the perfection of their classroom skill. This development may take place in many directions. Our teachers will become more and more the masters of sound pedagogic methods, so that every detail of the teaching process will be unerringly placed upon scientific foundations; they will add to this the pattern of originality which emerges when the individual weaves the principles of any art on the



loom of his own personality; they will become class managers of the highest order, employing a happy finesse in that most difficult of the school arts, that which we call discipline. Moreover they will extend the content of this word discipline so that it reaches to the loftiest heights of moral development. No longer will management consist merely in "keeping school." The opportunity afforded the teacher to touch the lives of scores who are in need of moral guidance and moral training will lay upon him the burden of becoming guide and mentor. Not sufficient as the test of his work will be the questions: Have his pupils acquired mental acumen? Can they stand examination in the exercise of logical processes or the recall of memorized words? Equally applicable will be the tests: Do his pupils evince human sympathy in ever enlarging degree? Have they developed in will power? Do they carry with them into their daily lives the influence of the teacher as an abiding inspiration? Only when these things are so will the teacher be truly professional.

One more evidence that the teacher is using his authority in the professional spirit will be his exercise of it impersonally and dispassionately. This will show itself not only in the classroom but also in the interviews which he has with parents. Always will he consider the pupil offender as one who has violated the law or outraged the rights of his fellow pupils;

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never will he accept the pupil's misconduct as a personal affront to himself. Moreover, he will deflect the parent's attempts to put his child's wrongdoings on this personal basis. Frequently is the mother ready to extend her sympathy to the teacher. "I know," she says, "John must be a great trial and annoyance to you." The teacher should promptly disclaim the need for sympathy. John has not annoyed him; John *cannot* annoy him. This is not a personal matter between John and his teacher, to be settled by a few pleasantries, as though it were the adjustment of a quarrel between John and one of his playmates. John has disobeyed the law, not the whim of the teacher; his offense is against the State. So long as the question is kept on this, its rightful basis, it is bound to reach a judicial, a rational settlement; once permit it to get on any such personal basis as to how much the teacher's feelings have been hurt, and whatever settlement may be reached is obtained at the expense of a true conception of the status of the school and the teacher.

I hesitate to leave the subject at this point, for fear that I may be leaving it with the emphasis on the wrong word. In my eagerness to show that the teacher's authority rests on firm legal grounds and that his responsibility is not only commensurate with this authority but transcends it, I would not be understood as minimizing the value of true sympathy and

the force of personal influence. These formal, legal considerations are but the background in the picture of the work of the teacher. In the middle ground we see the professional methods of the trained craftsman, in the foreground, the tactful ministrations of a skillful executive; and o'erspreading it all, the soft atmosphere of devoted and uncalculating service, illumined by the radiance of a love well-nigh divine.

We speak of the teacher as *in loco parentis*. I cannot refrain from quoting a full paragraph from Doctor Colgrove's recently published book, *The Teacher and the School*. "The word parent includes both father and mother, and the teacher stands in the place of both. He represents the authority of the father and the love of the mother. He represents the united counsels and efforts of both to care for the child's health, to shield his heart from evil, to reveal the book of nature and the wisdom of the ages to his mind, to win him to pure thoughts and kindly deeds, to call out the best that is in him, and to fill his school life with joy and happiness — this is a part of what it means to stand *in loco parentis* to the child. No teacher can do this unless he studies children, learns to know them, to aspire for them, to believe in them, to sympathize with them, to sacrifice for them, to love them." Has the author of these words set before us an ideal too lofty of achievement? Think of the power, the influence, the rewards, of the teaching

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vocation, if one half its members throughout the United States were striving to express this ideal, working in this spirit, consecrated to this life. No longer would there be the question: Is the business of teaching a profession? No longer would the discussion of the status of the teacher be an apologetic. Theirs is the opportunity; theirs is the responsibility: *Noblesse oblige!*

“Not for thee, oh, friend, the easy task,  
for thou art strong;  
And though, borne down with burdens,  
the way seems hard and long,  
Yet know that God but giveth thee  
True title of nobility.”

# APPENDIX

## PROVISIONS OF THE SEVERAL STATE CONSTITUTIONS UNDER WHICH THE PUBLIC SCHOOLS ARE ESTABLISHED AND MAINTAINED

*The Constitution which is quoted is the one which is current as to its educational provision ; its date is indicated in parenthesis.*

ALABAMA (1901). The legislature shall establish, organize, and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of seven and twenty-one years. (xiv, 256.)

ARKANSAS (1874). Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools, whereby all persons in the State, between the ages of six and twenty-one years, may receive gratuitous instruction. (xiv, 1.)

CALIFORNIA (1879). A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement. (ix, 1.)

The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established. (ix, 5.)

COLORADO (1876). Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require,

shall be established and supported by the State, in such manner as may be prescribed by law. (VIII, 1.)

The general assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, wherein all residents of the State between the ages of six and twenty-one years may be educated gratuitously. (IX, 2.)

CONNECTICUT (1818). The fund called the SCHOOL FUND shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public or common schools throughout the State, and for the equal benefit of all the people thereof. (VIII, 2.)

DELAWARE (1897). The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means. (X, 1.)

FLORIDA (1885). The Legislature shall provide for a uniform system of public free schools, and shall provide for the liberal maintenance of the same. (XII, 1.)

GEORGIA (1868). The General Assembly, at its first session after the adoption of this Constitution, shall provide a thorough system of general education, to be forever free to all children of the State, the expense of which shall be provided for by taxation or otherwise. (VI, 1.)

IDAHO (1889). The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the Legislature of Idaho to establish and maintain a general, uniform and thorough system of public, free common schools. (IX, 1.)

ILLINOIS (1870). The General Assembly shall provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education. (VIII, 1.)

INDIANA (1851). Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage by all suitable means, moral, intellectual, scientific,

and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all. (VIII, 1.)

IOWA (1857). The educational interest of the State, including common schools and other educational institutions, shall be under the management of a Board of Education. . . . (IX, 1st, 1.)

The Board of Education shall provide for the education of all the youths of the State, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. (X, 1st, 12.)

KANSAS (1859). The Legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments. (VI, 2.)

KENTUCKY (1890). The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State. (Sec. 183.)

LOUISIANA (1898). There shall be free public schools for the white and colored races, separately established by the General Assembly, throughout the State, for the education of all the children of the State between the ages of six and eighteen years; *provided*, that where kindergarten schools exist, children between the ages of four and six may be admitted into said schools. (Art. 248.)

MAINE (1819). A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people, to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; . . . (VIII.)

MARYLAND (1867). The General Assembly, at its first session after the adoption of this Constitution, shall, by law, establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation, or otherwise, for their maintenance. (VIII, 1.)

MASSACHUSETTS (1780). Wisdom and knowledge, as well as

virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; . . . (Chap. v, sec. II.)

MICHIGAN (1908). Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. (XI, 1.)

The Legislature shall continue a system of primary schools whereby every school district in the State shall provide for the education of its pupils without charge for tuition. (XI, 9.)

MINNESOTA (1857). The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the Legislature to establish a general and uniform system of public schools. (VIII, 1.)

MISSISSIPPI (1890). It shall be the duty of the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement, by establishing a uniform system of free public schools, by taxation, or otherwise, for all children between the ages of five and twenty-one years, and, as soon as practicable, to establish schools of higher grade. (VIII, 201.)

MISSOURI (1875). A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years. (XI, 1.)

MONTANA (1889). It shall be the duty of the Legislative Assembly of Montana to establish and maintain a general, uniform, and thorough system of public, free common schools. (XI, 1.)

NEBRASKA (1875). The Legislature shall provide for the free



instruction in the common schools of this State of all persons between the ages of five and twenty-one years. (VIII, 6.)

NEVADA (1864). The Legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year; . . . (XI, 2.)

NEW HAMPSHIRE (1902). Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools; . . . (Art. 82.)

NEW JERSEY (1844). . . . The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this State between the ages of fifteen and eighteen years. (VII, 6.)

NEW YORK (1894). The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated. (IX, 1.)

NORTH CAROLINA (1876). Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. (IX, 1.)

The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. (IX, 2.)

NORTH DAKOTA (1889). A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the Legislative Assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the State of North Dakota and free

from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota. (VIII, 147.)

The Legislature shall provide, at its first session after the adoption of this Constitution, for a uniform system for free public schools throughout the State, beginning with the primary and extending through all grades up to and including the normal and collegiate course. (VIII, 148.)

OHIO (1851). The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; . . . (VI, 2.)

OREGON (1857). The Legislative Assembly shall provide by law for the establishment of a uniform and regular system of common schools. (VIII, 3.)

OKLAHOMA (1907). Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; . . . (I, 5.)

The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated. (XIII, 1.)

PENNSYLVANIA (1873). The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose. (X, 1.)

RHODE ISLAND (1842). The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education. (XII, 1.)

SOUTH CAROLINA (1895). The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, . . . (XI, 5.)

SOUTH DAKOTA (1889). The stability of a republican form of

government depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education. (VIII, 1.)

TENNESSEE (1870). Knowledge, learning, and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this government, to cherish literature and science. And the fund called the common school fund . . . shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriations; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; . . . (XI, 12.)

TEXAS (1876). A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools. (VII, 1.)

UTAH (1895). The Legislature shall provide for the establishment and maintenance of a uniform system of public schools, which shall be open to all the children of the State and free from sectarian control. (X, 1.)

VERMONT (1786). . . . and a competent number of schools ought to be maintained in each town for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this State. (Chap. II, xxxviii.)

VIRGINIA (1870). The General Assembly shall provide by law, at its first session under this Constitution, a uniform system of public free schools, and for its gradual, equal, and full introduction into all the counties of the State by the year eighteen hundred and seventy-six, or as much earlier as practicable. (VIII, 3.)

WASHINGTON (1889). It is the paramount duty of the State to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex. (ix, 1.)

The Legislature shall provide for a general and uniform system of public schools. . . . (ix, 2.)

WEST VIRGINIA (1872). The Legislature shall provide, by general law, for a thorough and efficient system of free schools. (xii, 1.)

WISCONSIN (1848). The Legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free, and without charge for tuition, to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein. (x, 3.)

WYOMING (1889). The Legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the State allow, and such other institutions as may be necessary. (vii, 1.)

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